

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

LAURIE THOMAS, ALISON KAVULAK,
JEN MACLEOD, MARY NARVAEZ,
ALISON FLEISSNER, EMILY
BIGAOUETTE, LAURA EGGNATZ,
TERESA HAGMAIER, and NICOLE
FALLON, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

BEECH-NUT NUTRITION COMPANY,

Defendant.

Case No. 21-cv-00133 (RJM/CFH)

NOTICE OF RELATED CASES

Related cases defined - A civil case is “related” to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning the cases to the same judge and magistrate judge.

Application is made to the District Court requesting that the cases of:

Laura Peek v. Beech-Nut Nutrition Company (21-cv-00167) which was assigned to the Honorable Thomas James McAvoy after it was filed as related to the above-captioned matter; *Robyn Moore, et al. v. Beech-Nut Nutrition* (21-cv-00183) which was randomly assigned to the Honorable Frederick J. Scullin, Jr.; and *Mattia Doyle, et al. v. Beech-Nut Nutrition Co.*, which was randomly assigned to the Honorable Gary L. Sharpe (1:21-cv-186), be reassigned to the Honorable Thomas James McAvoy based on the following reasons.

These cases are related because of the similarity of facts and legal issues and because they arise from the same events. Specifically, these cases are putative class actions on behalf of the same class (all purchasers of Beech-Nut baby foods) alleging that Beech-Nut baby foods contain undisclosed heavy metals, and they raise nearly identical legal claims, including consumer protection claims and unjust enrichment. A substantial savings of judicial resources is likely to result from assigning these related cases to Judge Thomas James McAvoy, who was assigned the above-captioned matter, which is the lowest docket numbered action in this list of related cases.

Pursuant to Section G(5) of General Order 12, I have conferred in good faith with all other Plaintiffs' counsel in an effort to reach an agreement on whether or not the case is related. Counsel for Defendant has not yet entered an appearance in this matter or in the above-listed related cases, and thus was not available for a meet and confer.

All parties are in agreement
 Parties do not agree and opposition will be filed. After such application is made, any other party may serve and file within seven (7) calendar days a letter of no more than two pages supporting or opposing the application.

Submitted by: Kevin Landau

Attorney for: Plaintiffs Thomas et al.

Date: February 22, 2021

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of February 2021, I electronically filed the foregoing Notice of Related Cases with the Clerk of the Court using the CM/EMF System, which will then send a notification of such filing to all counsel of record.

/s/ Kevin S. Landau
Kevin S. Landau